



Sen. John J. Cullerton

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09700HB1084sam003

LRB097 06351 HLH 70259 a

1 AMENDMENT TO HOUSE BILL 1084

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1084, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 2, on page 6, immediately below line 9, by inserting the  
5 following:

6 "Section 10. The Workers' Compensation Act is amended by  
7 changing Section 14 as follows:

8 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

9 Sec. 14. The Commission shall appoint a secretary, an  
10 assistant secretary, and arbitrators and shall employ such  
11 assistants and clerical help as may be necessary. Arbitrators  
12 shall be appointed pursuant to this Section, notwithstanding  
13 any provision of the Personnel Code.

14 Each arbitrator appointed after November 22, 1977 shall be  
15 required to demonstrate in writing and in accordance with the  
16 rules and regulations of the Illinois Department of Central

1 Management Services his or her knowledge of and expertise in  
2 the law of and judicial processes of the Workers' Compensation  
3 Act and the Occupational Diseases Act.

4 A formal training program for newly-hired arbitrators  
5 shall be implemented. The training program shall include the  
6 following:

7 (a) substantive and procedural aspects of the  
8 arbitrator position;

9 (b) current issues in workers' compensation law and  
10 practice;

11 (c) medical lectures by specialists in areas such as  
12 orthopedics, ophthalmology, psychiatry, rehabilitation  
13 counseling;

14 (d) orientation to each operational unit of the  
15 Illinois Workers' Compensation Commission;

16 (e) observation of experienced arbitrators conducting  
17 hearings of cases, combined with the opportunity to discuss  
18 evidence presented and rulings made;

19 (f) the use of hypothetical cases requiring the trainee  
20 to issue judgments as a means to evaluating knowledge and  
21 writing ability;

22 (g) writing skills;

23 (h) professional and ethical standards pursuant to  
24 Section 1.1 of this Act;

25 (i) detection of workers' compensation fraud and  
26 reporting obligations of Commission employees and

1 appointees;

2 (j) standards of evidence-based medical treatment and  
3 best practices for measuring and improving quality and  
4 health care outcomes in the workers' compensation system,  
5 including but not limited to the use of the American  
6 Medical Association's "Guides to the Evaluation of  
7 Permanent Impairment" and the practice of utilization  
8 review; and

9 (k) substantive and procedural aspects of coal  
10 workers' pneumoconiosis (black lung) cases.

11 A formal and ongoing professional development program  
12 including, but not limited to, the above-noted areas shall be  
13 implemented to keep arbitrators informed of recent  
14 developments and issues and to assist them in maintaining and  
15 enhancing their professional competence. Each arbitrator shall  
16 complete 20 hours of training in the above-noted areas during  
17 every 2 years such arbitrator shall remain in office.

18 Each arbitrator shall devote full time to his or her duties  
19 and shall serve when assigned as an acting Commissioner when a  
20 Commissioner is unavailable in accordance with the provisions  
21 of Section 13 of this Act. Any arbitrator who is an  
22 attorney-at-law shall not engage in the practice of law, nor  
23 shall any arbitrator hold any other office or position of  
24 profit under the United States or this State or any municipal  
25 corporation or political subdivision of this State.  
26 Notwithstanding any other provision of this Act to the

1 contrary, an arbitrator who serves as an acting Commissioner in  
2 accordance with the provisions of Section 13 of this Act shall  
3 continue to serve in the capacity of Commissioner until a  
4 decision is reached in every case heard by that arbitrator  
5 while serving as an acting Commissioner.

6 Notwithstanding any other provision of this Section, the  
7 term of all arbitrators serving on the effective date of this  
8 amendatory Act of the 97th General Assembly, including any  
9 arbitrators on administrative leave, shall terminate at the  
10 close of business on July 1, 2011, but the incumbents shall  
11 continue to exercise all of their duties until they are  
12 reappointed or their successors are appointed.

13 On and after the effective date of this amendatory Act of  
14 the 97th General Assembly, arbitrators shall be appointed to  
15 3-year terms ~~by the full Commission, except that initial~~  
16 ~~appointments made on and after the effective date of this~~  
17 ~~amendatory Act of the 97th General Assembly shall be made~~ as  
18 follows:

19 (1) All appointments shall be made by the Governor with  
20 the advice and consent of the Senate.

21 (2) For their initial appointments, 12 arbitrators  
22 shall be appointed to terms expiring July 1, 2012; 12  
23 arbitrators shall be appointed to terms expiring July 1,  
24 2013; and all additional arbitrators shall be appointed to  
25 terms expiring July 1, 2014. Thereafter, all arbitrators  
26 shall be appointed to 3-year terms.

1           Upon the expiration of a term, the Chairman shall evaluate  
2 the performance of the arbitrator and may recommend to the  
3 Governor that he or she be reappointed to a second or  
4 subsequent term by the Governor with the advice and consent of  
5 the Senate ~~the full Commission~~.

6           Each arbitrator appointed on or after the effective date of  
7 this amendatory Act of the 97th General Assembly and who has  
8 not previously served as an arbitrator for the Commission shall  
9 be required to be authorized to practice law in this State by  
10 the Supreme Court, and to maintain this authorization  
11 throughout his or her term of employment.

12           All arbitrators shall be subject to the provisions of the  
13 Personnel Code, and the performance of all arbitrators shall be  
14 reviewed by the Chairman on an annual basis. The changes made  
15 to this Section by this amendatory Act of the 97th General  
16 Assembly shall prevail over any conflict with the Personnel  
17 Code. The Chairman shall allow input from the Commissioners in  
18 all such reviews.

19           The Commission shall assign no fewer than 3 arbitrators to  
20 each hearing site. The Commission shall establish a procedure  
21 to ensure that the arbitrators assigned to each hearing site  
22 are assigned cases on a random basis. No arbitrator shall hear  
23 cases in any county, other than Cook County, for more than 2  
24 years in each 3-year term.

25           The Secretary and each arbitrator shall receive a per annum  
26 salary of \$4,000 less than the per annum salary of members of

1 The Illinois Workers' Compensation Commission as provided in  
2 Section 13 of this Act, payable in equal monthly installments.

3 The members of the Commission, Arbitrators and other  
4 employees whose duties require them to travel, shall have  
5 reimbursed to them their actual traveling expenses and  
6 disbursements made or incurred by them in the discharge of  
7 their official duties while away from their place of residence  
8 in the performance of their duties.

9 The Commission shall provide itself with a seal for the  
10 authentication of its orders, awards and proceedings upon which  
11 shall be inscribed the name of the Commission and the words  
12 "Illinois--Seal".

13 The Secretary or Assistant Secretary, under the direction  
14 of the Commission, shall have charge and custody of the seal of  
15 the Commission and also have charge and custody of all records,  
16 files, orders, proceedings, decisions, awards and other  
17 documents on file with the Commission. He shall furnish  
18 certified copies, under the seal of the Commission, of any such  
19 records, files, orders, proceedings, decisions, awards and  
20 other documents on file with the Commission as may be required.  
21 Certified copies so furnished by the Secretary or Assistant  
22 Secretary shall be received in evidence before the Commission  
23 or any Arbitrator thereof, and in all courts, provided that the  
24 original of such certified copy is otherwise competent and  
25 admissible in evidence. The Secretary or Assistant Secretary  
26 shall perform such other duties as may be prescribed from time

- 1 to time by the Commission.
- 2 (Source: P.A. 97-18, eff. 6-28-11.)".